



# 3

Attorney Docket No.: 02-104910US  
Client Reference No.: 0137.210US**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **EVOLUTION OF PLANT DISEASE RESPONSE PATHWAYS TO ENABLE THE DEVELOPMENT OF PLANT BASED BIOLOGICAL SENSORS AND TO DEVELOP NOVEL DISEASE RESISTANCE STRATEGIES** the specification of which    is attached hereto or   X   was filed on May 4, 2001 as Application No. 09/849,452, and was amended on                      (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

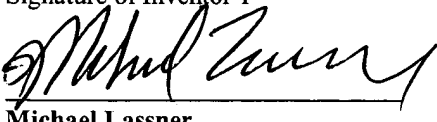
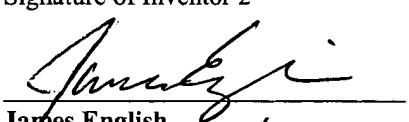
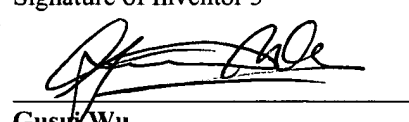
Application No.	Filing Date
60/202,233	May 4, 2001

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Full Name: <b>Michael Lassner</b>		
Residence & Citizenship:	City: <b>Foster City</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>891 Balboa Lane, Foster City, California, 94404 USA</b>		
Full Name of Inventor 2:	Full Name: <b>James English</b>		
Residence & Citizenship:	City: <b>Burlingame</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>1249 Capuchino Avenue Burlingame, California 94010 USA</b>		
Full Name of Inventor 3:	Full Name: <b>Gusui Wu</b>		
Residence & Citizenship:	City: <b>Davis</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>US</b>
Post Office Address:	Post Office Address: <b>1322 Madra Court, Davis, California 95616 USA</b>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Michael Lassner	Signature of Inventor 2  James English	Signature of Inventor 3  Gusui Wu
Date <b>9/10/01</b>	Date <b>9/14/01</b>	Date <b>9/13/01</b>

declaration

**COPY**

Attorney Docket No.: 02-104910US  
Client Reference No.: 0137.210US

**ASSIGNMENT OF PATENT APPLICATION**

JOINT

WHEREAS, Michael Lassner, of 891 Balboa Lane, Foster City, California 94404 USA, James English of 1249 Capuchino Avenue Burlingame, California 94010 USA, Gusui Wu of 1322 Madra Court, Davis, California 95616 USA, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: Evolution of Plant Disease Response  
Pathways to Enable the Development of  
Plant Based BiOlogical Sensors and to  
Develop Novel Disease Resistance  
Strategies

Filing Date: May 4, 2001

Application No.: 09/849,452; and

WHEREAS, Maxygen, Inc., a Delaware corporation, located at 515 Galveston Drive, Redwood City, California 94063 United States of America, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment 0137,210 US  
Application No.: 09/849,452  
Page 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: 9/16/01

Michael Lassner  
Michael Lassner

SIGNATURE WITNESSED BY:

(1) Date: 9/10/01

Diane Dwyer  
Signature of Witness 1

Dated: 9/14/01

James English  
James English

SIGNATURE WITNESSED BY:

(1) Date: 9/14/01

Diane Dwyer  
Signature of Witness 1

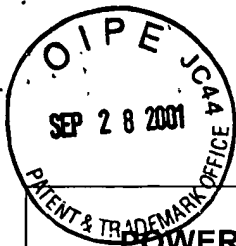
Dated: 9/13/01

Gusui Wu  
Gusui Wu

SIGNATURE WITNESSED BY:

(1) Date: 9/13/01

Diane Dwyer  
Signature of Witness 1



0137.210US

(Modified) PTO/SB/81 (11-96)

Approved for use through 6/30/99. OMB 0651-0035

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT, NOT  
ACCOMPANYING APPLICATION**

Application Number	09/849,452
Filing Date	May 4, 2001
First Named Inventor	Michael Lassner
Group Art Unit	1632
Examiner Name	Unassigned
Attorney Docket Number	02-104910US

I hereby appoint:

☒ Practitioners at Customer Number

22798

Type Customer Number Here

AND

☒ Practitioner(s) named below:

22798

PATENT TRADEMARK OFFICE

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Margaret A. Powers	39,804

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

Firm or Individual Name				
Address				
Address				
City	State	Zip		
Country				
Telephone	Fax			

I am the

☐ Applicant.☒ Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

SIGNATURE of Applicant or Assignee of Record

Name	Michael S. Rabson
Signature	[Signature]
Date	9/14/01

**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 9-17-01

Typed or printed name	EVELYN GOMEZ	Date	9-17-01
Signature	[Signature]		